

Susan D. Marmaduke, OSB 841458
E-mail: susan.marmaduke@harrang.com
Sivhwa Go, OSB 033252
E-mail: hwa.go@harrang.com
HARRANG LONG GARY RUDNICK P.C.
1001 S.W. Fifth Avenue, 16th Floor
Portland, OR 97204
Telephone: (503) 242-0000
Facsimile: (503) 241-1458

William A. Brewer, III, *Admitted Pro Hac Vice*
E-mail: wab@bickelbrewer.com
Michael J. Collins, *Admitted Pro Hac Vice*
E-mail: mjc@bickelbrewer.com
Farooq A. Tayab, *Admitted Pro Hac Vice*
E-mail: fat@bickelbrewer.com
BICKEL & BREWER
4800 Comerica Bank Tower
1717 Main Street
Dallas, Texas 75201-4612
Telephone: (214) 653-4000
Facsimile: (214) 653-1015
Attorneys for Plaintiff FLIR Systems, Inc.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

FLIR SYSTEMS, INC., an Oregon
corporation,

Plaintiff,

vs.

THOMAS L. GAMBARO, an individual
d/b/a **PATENT ENFORCEMENT
COMPANY; MOTIONLESS
KEYBOARD COMPANY**, an Oregon
corporation.

Defendants.

Civil No.: 3:10-cv-00231-BR

**PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
THAT DEFENDANT THOMAS L.
GAMBARO IS BOUND BY '322
PATENT CLAIM CONSTRUCTION
IN PRIOR ACTION**

LR 7-1(a) CERTIFICATION

The undersigned counsel certifies that the parties have made a good faith effort through a personal conference to resolve the dispute and have been unable to do so.

Motion for Partial Summary Judgment

Plaintiff FLIR Systems, Inc. (“FLIR”) files this Motion for Partial Summary Judgment that Defendant Thomas L. Gambaro d/b/a/ Patent Enforcement Company is Bound by ‘322 Patent Claim Construction in Prior Action (the “Motion”) under Federal Rule of Civil Procedure 56(a) and Local Rule 56-1 with respect to the matters set forth below as follows:

FLIR requests that the Court: (1) grant its motion for partial summary judgment; (2) hold that Defendant Thomas L. Gambaro d/b/a/ Patent Enforcement Company is bound by the order and judgment entered in *Motionless Keyboard Co. v. Microsoft Corp.*, No. Civ. 04-180-AA, formerly pending in the United States District Court, District of Oregon, Eugene Division before the Honorable Ann L. Aiken (the “Prior Action”); and (3) award FLIR such other and further relief to which they are justly entitled and which the Court deems just and proper.

This motion is supported by Plaintiff’s Concise Statement of Material Facts in Support of Plaintiff’s Motion for Partial Summary Judgment, the Memorandum of Law in Support of Plaintiff’s Motion for Partial Summary Judgment, the Declaration of Susan Marmaduke in Support of Plaintiff’s Concise Statement of Material Facts in Support of Plaintiff’s Motion for Partial Summary Judgment, and the Declaration Farooq A. Tayab in Support of Plaintiff’s Concise Statement of Material Facts in Support of Plaintiff’s

Motion for Partial Summary Judgment, which are filed contemporaneously with this motion.

DATED this 17th day of September, 2010.

BICKEL & BREWER

William A. Brewer, III, *Admitted Pro Hac Vice*

Michael J. Collins, *Admitted Pro Hac Vice*

Farooq A. Tayab, *Admitted Pro Hac Vice*

HARRANG LONG GARY RUDNICK PC

By: /s/ Susan D. Marmaduke

Susan D. Marmaduke, OSB 841458

susan.marmaduke@harrang.com

Sivhwa Go, OSB 033252

hwa.go@harrang.com

Telephone: (503) 242-0000

Facsimile: (503) 241-1458

Of Attorneys for Plaintiff FLIR Systems,
Inc.

CERTIFICATE OF SERVICE

I certify that on September 17, 2010, I served or caused to be served a true and complete copy of the foregoing **PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT THAT DEFENDANT THOMAS L. GAMBARO IS BOUND BY '322 PATENT CLAIM CONSTRUCTION IN PRIOR ACTION** on the party or parties listed below as follows:

_____ Via CM / ECF Filing
_____ Via First Class Mail, Postage Prepaid
_____ Via Email
_____ Via Personal Delivery

Thomas L. Gambaro
individually and dba
Patent Enforcement Company
and Motionless Keyboard Company
P.O. Box 14741
Portland, OR 97293

Defendants *Pro Se*

James M. Buchal, Esq.
Murphy & Buchal
2000 SW 1st Avenue, Suite 420
Portland, OR 97201

Counsel for Defendant Motionless
Keyboard Company

HARRANG LONG GARY RUDNICK P.C.

By: /s/ Susan D. Marmaduke
Susan D. Marmaduke, OSB 841458
susan.marmaduke@harrang.com
Telephone: (503) 242-0000
Facsimile: (503) 241-1458

Of Attorneys for Plaintiff FLIR Systems,
Inc.

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